

BOSE
MCKINNEY
& EVANS

ATTORNEYS AT LAW

Lisa McKinney Goldner

Direct Dial (317) 684-5124

E-Mail: LMckinney@boselaw.com

- August 13, 1997

**CERTIFIED MAIL RETURN
RECEIPT REQUESTED**

United States Environmental
Protection Agency
Region V, Regional Finance Office
P.O. Box 70753
Chicago, Illinois 60673

**Re: Gary Development Company, Inc. v. U.S. EPA
RCRA V-W-86-R-45
Our File No.: 9273-1**

Dear Sir or Madam:

Please find enclosed an \$86,000.00 certified check made payable to the "Treasurer, United States of America." This check constitutes Gary Development Company, Inc.'s full payment of the civil penalty due pursuant to Section IV, paragraphs 8 and 9 of the Consent Decree entered by the United States District Court Judge on July 30, 1997.

If there are any questions, please give me a call.

Sincerely,

BOSE MCKINNEY & EVANS

Lisa McKinney Goldner
Lisa McKinney Goldner

LMG:ln

Enclosure

cc: Rett Nelson, Assistant Regional Counsel, Region V
Chief, Environmental Defense Section, U. S. Department of Justice
Joshua M. Levin, U.S. Department of Justice
William Nanini, Gary Development Company, Inc.
Stephen B. Cherry, Esq.
Warren Krebs, Esq.

150461

Downtown
2700 First Indiana Plaza
135 North Pennsylvania Street
Indianapolis, Indiana 46204
(317) 684-5000

EXHIBIT A

North
8888 Keystone Crossing
Suite 1201
Indianapolis, Indiana 46240
(317) 574-3700

THE FACE OF THIS DOCUMENT HAS A BLUE GRADUATING TINT (BLUE-WHITE-BLUE) BACKGROUND ON WHITE PAPER

BANK ONE
OFFICIAL CHECK

873937308 16-2958
1220

Remitter Gary Development Company, Inc. Date August 5, 1997
Docket No.: RCRA V-W-86-R-45

ARIZONA, P.A. 86,000 and 00/100ths \$86,000.00

Pay To The Order Of Treasurer, United States of America * * * * *

1sr, T-260,3.00

Drawer: BANK ONE, ARIZONA, NA
Carolyn R. Kesth
Payable through Citibank Intl., Los Angeles, CA For Citibank (NY State): Buffalo, NY
Issued by Integrated Payment Systems Inc., Englewood, Colorado

THE BACK OF THIS DOCUMENT CONTAINS A REFLECTIVE SECURITY MARK • HOLD AT AN ANGLE TO VIEW

⑆122029587⑆68⑈099090 873937308

BOSE
MCKINNEY
& EVANS

ATTORNEYS AT LAW

Lisa McKinney Goldner

Direct Dial (317) 684-5124

E-Mail: LMcKinney@boselaw.com

September 9, 1997

Mrs. Mary Marsh
Senior Vice President
National City Bank of Indiana
101 West Washington Street, Suite 600 - East
P. O. Box 5031
Indianapolis, Indiana 46255

VIA HAND DELIVERY
AND FIRST CLASS MAIL

Re: Fulfillment of Consent Decree Terms - Final Deposit into Trust Agreement For Gary Development Company Landfill Fund Gary Development Company, Inc. v. U. S. Environmental Protection Agency; Cause No.: 2:96CV489 RL
Our File No.: 9273-1

Dear Ms. Marsh:

On behalf of our client, Gary Development Company, Inc., please find enclosed a check in the amount of Twenty Thousand Dollars (\$20,000.00) made payable to the Gary Development Landfill Trust, in fulfillment of Paragraph 13 of the July 30, 1997 Consent Decree. This payment constitutes Gary Development's final payment into the Trust Fund, for a total amount of Forty Thousand Dollars (\$40,000.00). As required under Paragraphs 11 through 15 of the Consent Decree, Gary Development has created this irrevocable trust entitled "Gary Development Company Landfill Fund Trust" designating the Indiana Department of Environmental Management as the beneficiary. Gary Development has retained no interest whatsoever in the Trust.

Thank you for your assistance in this matter. If you have any questions, please give Stephen Cherry (684-5105) or me (684-5124) a call.

Sincerely,

BOSE MCKINNEY & EVANS



Lisa McKinney Goldner

Enclosures

cc: Peggy Pfau, National City Bank of Indiana
Rhett Nelson, Director, Waste, Pesticide and Toxic Division
U. S. Environmental Protection Agency
Joshua Levin, U. S. Department of Justice
Clerk, U. S. District Court
Bruce Palin, Indiana Department of Environmental Management
Scott Storms, Esq., Indiana Department of Environmental Management
William Nanini, Gary Development Company, Inc.
Warren Krebs, Esq.
Stephen B. Cherry, Esq.

Downtown
2700 First Indiana Plaza
135 North Pennsylvania Street
Indianapolis, Indiana 46204
(317) 684-5000

EXHIBIT D

North
8888 Keystone Crossing
Suite 1201
Indianapolis, Indiana 46240
(317) 574-3700

BANK ONE.
Bank One, Arizona, NA
Cash Bank Center (111)
Tucson, Arizona

GARY DEVELOPMENT CO. INC.
2120 W. INA RD. PH. 520-297-2992
TUCSON, AZ 85741

1044

PAY
TO THE
ORDER OF

DATE 8-22-97

91-2111
1221

GARY DEVELOPMENT LANDFILL TRUST

TWENTY THOUSAND AND NO/100

\$ 20,000.00

DOLLARS ☐ See back for details

THIS CHECK IS DELIVERED FOR PAYMENT ON THE ACCOUNTS LISTED

[Signature]

⑈001044⑈ ⑆122100024⑆

2037⑈6136⑈

PRIVATE
CLIENT
GROUP

National City
National City Bank of Indiana
101 West Washington Street, 60CE
Indianapolis, IN 46255
(317) 267-7272
www.national-city.com

October 8, 1997

Ms. Lisa McKinney Goldner
Bose McKinney & Evans
2700 First Indiana Plaza
135 North Pennsylvania Street
Indianapolis, IN 46204

Re: Trust under Agreement Gary Development Company Landfill Fund
("GDCLF" Trust)

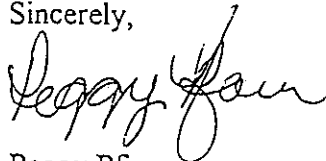
Dear Lisa:

Pursuant to Section 1.05 (a) of the above-captioned trust agreement, National City Bank of Indiana has received and deposited the sum of Forty-Thousand Dollars (\$40,000) from Gary Development Company into said Trust. These funds have been irrevocably transferred into the GDCLF Trust pursuant to the Consent Decree.

The initial sum of Twenty Thousand Dollars (\$20,000) was deposited on September 2, 1997 and the balance of Twenty Thousand Dollars (\$20,000) was deposited on September 12, 1997. These deposits satisfy any and all requirements of Gary Development Company pursuant to Section 1.05 (c) of the Trust Agreement.

If you have any questions, please contact me at (317) 267-7292.

Sincerely,



Peggy Pfau
Vice President &
Trust Officer